

**DEPARTMENT OF HUMAN SERVICES  
MAINE PUBLIC ASSISTANCE MANUAL  
Non-Citizens**

FS Cross  
Reference

**REFUGEE CASH ASSISTANCE PROGRAM ( RCA )**

**GENERAL RULE:** The Refugee Resettlement Program extends assistance to all persons defined as "refugees" by the Immigration and Naturalization Service provided other eligibility requirements are met. Although this is a Refugee Cash Assistance Program, and is financed by the Federal government from funds other than the TANF block grant. TANF program financial guidelines are used beginning October 1, 2000. (AFDC rules of 7/96 were used through 9/30/00.)

**Special Eligibility Criteria:**

1. This group does not have to meet all the requirements of the TANF program. They may be eligible on the basis of financial need without regard to family composition or deprivation. However, refugees defined by INS who meet all TANF and PaS criteria must be covered by the TANF or PaS program(s).

**NOTE:** Single adults, intact families, and childless couples may be eligible as well as a child without parents. One family could have more than one grant. There could be adult children who receive individually while the parents and minor children are included in a separate unit.

2. Eligibility is limited to an 8 consecutive month period beginning with the month of entry into the United States (the land date) for refugees, Cuban and Haitian entrants and qualifying Amerasians from Vietnam. Eligibility for asylees begins with the date that asylum is granted. The time limit is applied to the individual, not the entire unit.
3. In the event some members of an assistance unit meet the 8 month limit prior to others, the amount of the assistance may not take into account the needs of those who have met the limit.

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**REFUGEES (cont.)**

**PAYMENTS:**

1. The income standards and payments for refugees are the same as those for TANF.
2. Calculation of benefits is the same as TANF.
3. Cash payments received by the refugee from the Refugee Resettlement Agency under the Department of State or Department of Justice Reception and placement program are treated as excluded income.
4. Assets in the homeland, are not counted.
5. Income and assets of sponsors shall not be counted.

**EMPLOYMENT AND TRAINING**

1. Job Quit: An employable refugee is not eligible if they have voluntarily quit a job in the 30 days prior to application. However, the remaining family may be eligible. The penalty is for the individual.

**NOTE:** As a continuing eligibility factor they shall not have quit or refused employment or training for employment.

2. Referral for Employment: Refugees are exempt from ASPIRE-TANF work requirement. A referral is made to the Refugee Resettlement Employment Agency designated by the Department. The RCA participant is required as a condition of receipt of assistance, to participate in employment services within 30 days of receipt of aid. The referral must be signed by the agency prior to granting RCA financial assistance.

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**NOTE:** Lack of English proficiency is not a reason for exemption from referrals to the Refugee Resettlement Employment Agency.

**NOTE:** RCA families are not required to attend TANF orientation.

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**REFUGEES (cont.)**

3. School Attendance: Assistance shall not be paid to refugees who are full-time students in post-secondary education unless this is part of an employability plan that is expected to last no more than 1 year.

Verification Required:

1. Age can be verified via the I-94 card.
2. Relationship can be verified by any documents the refugee can provide such as school records, the word of sponsors, statements from the Refugee Resettlement Agency. The worker shall accept whatever is reasonable.
3. Third-party verification must be sought from the Resettlement Agency or the sponsor regarding relationship, residence and available income.

Documentation Required:

1. The individual, whether a refugee, parolee or asylee must have an I-94 card.
2. A person may enter the United States as a refugee but change status to a resident alien and has an I-151 or I -155. However, they still need to verify the prior status which is usually available via a photocopy of the I-94 card.

Overpayments/Underpayments:

The correction of underpayments and the recovery of overpayment will follow TANF policies described in Chapter VI, except for the budget calculations and asset limits prior to 10/01/00.

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**REFUGEES (cont.)**

Other Procedures:

The Department will operate its RCA Program consistent with its TANF Procedures with regard to confidentiality rules, timely processing of applications and changes, timely and adequate noticing, and administrative hearings.

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**ALIENS**

**GENERAL RULE:** There are several categories of legal aliens, and special rules governing their eligibility for TANF or PaS benefits and the income and assets used to determine their eligibility. Some benefits will be federal funded and some benefits will be State funded.

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1. Aliens sponsored by individuals: A Sponsor is an individual who executes an affidavit of support or similar agreement on behalf of an alien (not the sponsor's child or stepchild) as a condition of the alien's entry into the United States.
  - a. Legally admitted aliens who apply for assistance after September 30, 1981 and before August 22, 1996, will have the income and assets of the individual sponsor and their spouse if living with them, deemed as the unearned income and assets of the alien for three years following their entry into the United States.

**NOTE:** This rule does not apply to Amerasian immigrants, for whom no deeming is required.

**NOTE:** Income is not deemed from sponsors and their spouses who receive TANF or PaS or SSI.

To determine monthly income deemed available to the alien from the sponsor and their spouse:

1. Determine the sponsor's and spouse's total monthly earned income (wages, salary, or net earnings from self-employment);
2. Deduct 20% (not to exceed \$175.00);
3. Add the sponsor's total monthly unearned income;

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**ALIENS (cont.)**

4. Deduct the full need standard for the sponsor, spouse, and any other dependent people in the home.
5. Deduct any amounts actually paid by the sponsor to people not living the home, but who are claimed as tax dependents by the sponsor;
6. Deduct actual payments of alimony or child support to people not living in the household.

The remainder is considered available income to the sponsored alien.

Assets deemed available to the alien from the sponsor are the total amount of the sponsor's assets (determined as if they were applying for TANF or PaS in their state of residence) less \$1,500.

If a sponsor is liable for more than one alien, the deemed income and assets shall be divided equally among the sponsored aliens.

Income and assets which are deemed to a sponsored alien shall not be considered in determining the need of other unsponsored members of the alien's family, except to the extent the income or assets are actually available.

- b. Legal aliens who apply for TANF or PaS assistance on or after August 22, 1996 whose sponsor executed a new affidavit of support under Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) will have the gross income and assets of the individual sponsor and their spouse if living with them, deemed as the unearned income and assets of the alien until:
  1. the alien becomes a citizen, or;
  2. the alien earns 40 qualifying work quarters of coverage under the Social Security System.

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**ALIENS (cont.)**

**NOTE:** The work quarters of an alien's spouse counts towards their qualifying quarters.

**NOTE:** The work quarters of parents counts towards a minor's qualifying quarters.

- c. In the absence of an affidavit under PRWORA, deem net income as described under Treatment of a Sponsor's Income and Assets when a non-citizen enters the U.S. prior to August 22, 1996.

To determine monthly income deemed available to the alien from the sponsor and their spouse:

1. determine the sponsor's and spouse's total monthly gross earned income (wages, salary, or net earnings from self-employment. No deductions are allowed.);
2. add the sponsor's total monthly gross unearned income (No deductions are allowed.);
3. the total gross earned and unearned income is considered available unearned income to the sponsored alien.

Assets deemed available to the alien from the sponsor is the total gross equity value of the sponsor's assets.

If a sponsor is liable for more than one alien, the deemed income and assets shall be divided equally among the sponsored aliens.



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**ALIENS (cont.)**

- d. Exceptions to Sponsor Deeming regardless of a date non-citizen entered U.S.:
  - 1. Battered women and children are exempt from deeming for 12 months (or more if the batterer is the sponsor and the battery or cruelty has been recognized by court or an INS determination) as long as the alien does not continue to reside with the batterer.
  - 2. If an alien would be unable to obtain food and shelter in the absence of assistance, taking into account their own income, then the state must, for a 12 month period, decline to deem the sponsor's income, and instead take into account only that income that the sponsor actually provides.
- 2. Aliens Sponsored by Agencies or Organizations: Legally admitted aliens who apply for assistance after September 30, 1984, who are sponsored by an agency or organization, are ineligible for assistance for three years following date of entry into the U.S., unless the department determines that the sponsoring agency no longer exists or becomes unable to meet the alien's needs.

**NOTE:** Neither provision 1 or 2 includes refugees, parolees, political asylees, certain Cuban and Haitian entrants, and Amerasian immigrants, unless a sponsor signed a new affidavit of support under PRWORA. In this instance, apply policy at 1b.

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**ALIENS (cont.)**

Overpayments: Aliens and their sponsors are jointly and separately liable for any overpayment made to the alien during the three years after the alien's entry into the U.S. due to the sponsor's failure to provide correct information, except when the sponsor is without fault or good cause exists or the sponsor signed a new affidavit under PRWORA. When a sponsor signs an affidavit under PRWORA, the duration of joint and separate liability exists until an alien becomes a citizen or the alien earns 40 quarters of coverage under the Social Security System.

3. Lawful Temporary Resident Aliens: Legalized aliens pursuant to the Immigration Reform and Control Act of 1986, are disqualified for TANF or PaS for 5 years as of the date granted lawful temporary resident status. A change to permanent resident status within the 5 year period does not affect the disqualification. There are 3 categories of these. They are:
  - a. Aliens lawfully admitted for temporary residence (LTR's) under Section 245A (Poland, Afghanistan, Ethiopia, and Uganda).
  - b. Special Agricultural Workers (SAW's) under Section 210.
  - c. Replenishment Agricultural Workers (RAW's) under 210A.